

# Legal Services Training: Eviction Diversion Initiative

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Dec 3, 2020

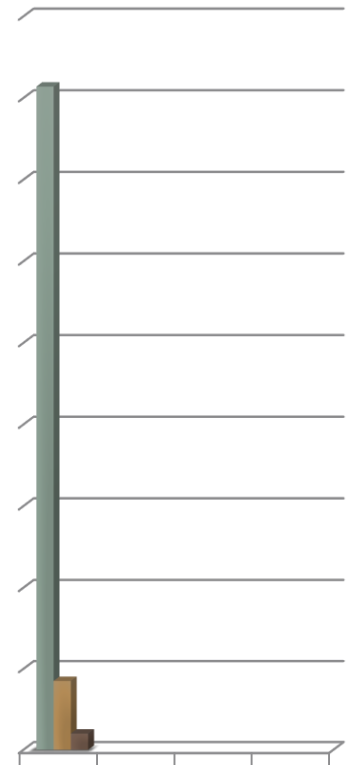


# COVID Eviction Legal Help

COVID Eviction Legal Help Project (CELHP) was formed to expand the capacity of existing legal aid organizations in Massachusetts, as well as the pro bono bar, to provide urgently needed legal assistance in COVID-related eviction cases

# Part of a Comprehensive Response

- CELHP is part of comprehensive response to prevent evictions and stabilize people's housing during the pandemic
- CELHP was born out of a broad coalition that recognized that housing and public health are inextricably linked and that there is a disparity of legal representation for which the consequences can be devastating



FY2020 Housing Court data shows statewide that while 81.4% of landlords are represented only 8.5% of tenants are represented. There is variation by region.

# COVID Cases on the Rise

Massachusetts  
Department of Public  
Health COVID-19  
Dashboard of Public  
Health Indicators  
**December 2, 2020**

Newly Reported  
Confirmed Cases

4,613

Hospitalization

Total Confirmed  
COVID Patients in  
Hospital

1,259

Deaths

Newly Reported  
Deaths among  
Confirmed

46

# Housing Stability

Goal of legal representation is to achieve housing stability

- Preservation of tenancy
- Preservation of a housing subsidy
- Access to rental assistance to help sustain the tenancy
- Help eligible homeowners stay housed
- Access to supports to stabilize the household
- Reasonable time to move if necessary

# How CELHP will help

CELHP will provide referrals, legal information, assistance and legal representation in Housing Court statewide and where capacity exists in District Courts and in administrative hearings to preserve housing subsidies

# Who are the CELHP partners

- **Massachusetts Legal Assistance Corporation**  
administering the project
- **Massachusetts Law Reform Institute**  
implementing the legal services component
- **Volunteer Lawyers Project**  
implementing the pro bono component  
for tenants and owner-occupants

# Who is Providing Legal Help

- Community Legal Aid
- De Novo
- Greater Boston Legal Services
- MetroWest Legal Services
- Northeast Legal Aid
- South Coastal Counties Legal Services
- Volunteer Lawyers Project

Hiring includes lawyers and paralegals, who will manage cases and help with outreach, and new intake workers



# Who is eligible for CELHP

- Your household income must be under 200% of the Federal Poverty Guidelines
- The eviction must be related to COVID

# What is a COVID-related eviction?

- A tenant is facing eviction because of non-payment of rent due to factors related to COVID, such as loss of a job or business, inability to find employment, unable to work because they need to care for a household or family member or are helping children with remote learning
- A tenant is facing eviction because of non-payment due to COVID-related expenses such as increased utilities, food expenses, home school supplies, and/or medical costs.

# What is a COVID-related eviction?

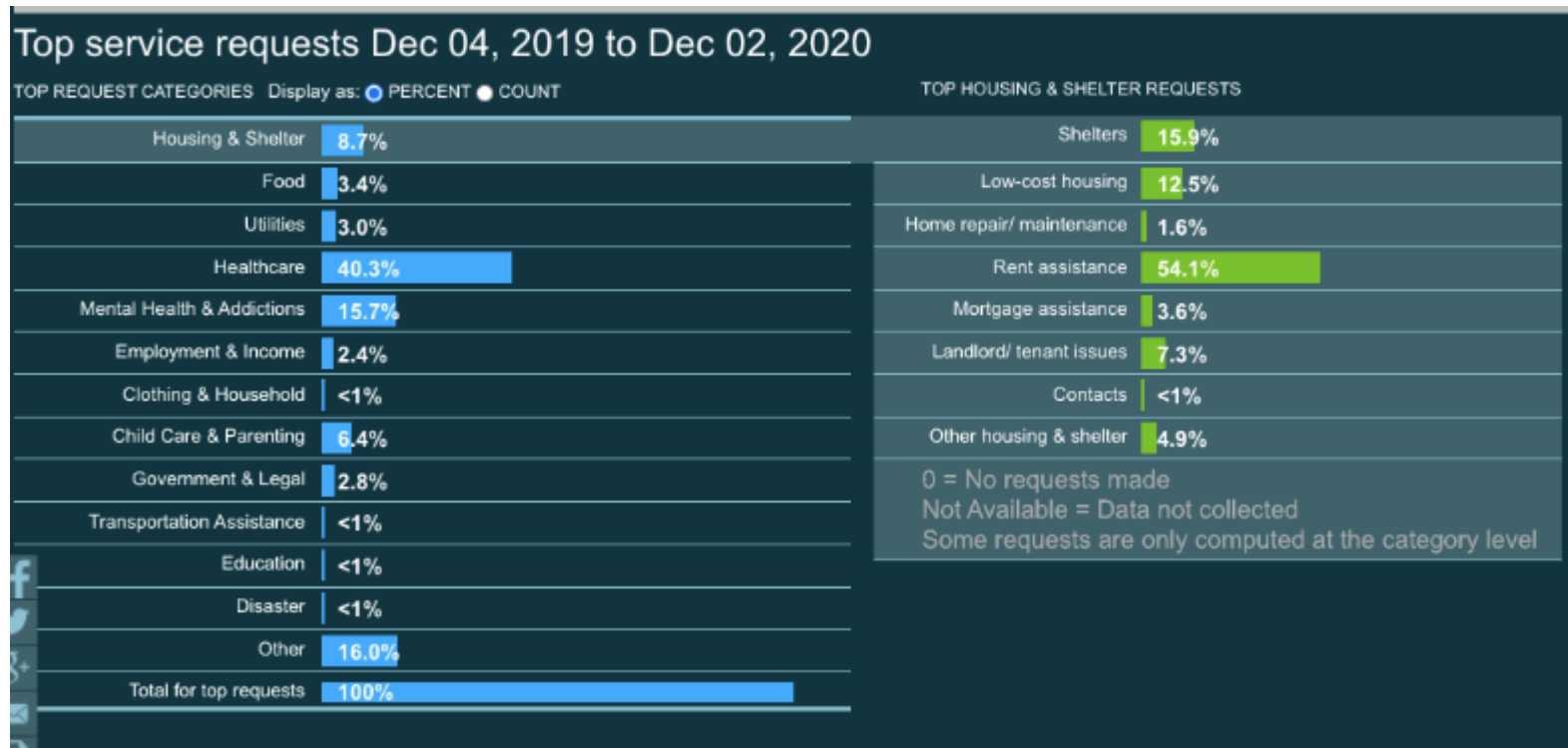
- A tenant is facing eviction after the state declaration of COVID emergency and the eviction puts them at risk of becoming homeless; being doubled up; losing a job; having their children's education disrupted; or facing an increased risk of exposure to COVID
- A tenant is facing eviction for alleged lease violations related to COVID, including loss of access to medical (for example cases involving the Tenancy Preservation) or social services, or domestic violence

# What is not a COVID-related eviction?

- Tenants are not be eligible for assistance if they face eviction for lease violations related to violent criminal activity by the tenant on or near the premises or criminal activity that threatens the safety and wellbeing of other residents or staff
- But there are other legal resources these cases may have access to, check legal the resource finder at [www.masslrf.org](http://www.masslrf.org)

# Demand for housing help increasing

Yesterday's 211 calls



# Referrals to legal aid **before** court

- Direct intake
- Referral form on the CELHP website
- 211

# Eviction notices and court hearing dates

- First tenant gets Notice to Quit
- Then tenant gets eviction Summons and Complaint
- Court hearing dates are announced when parties get a notice of a first court event

# What happens in virtual court

- Clerk's desk
- Virtual check in - Breakout room (variation statewide)
- Motion session
- **Ask for a lawyer**
- Goal to get to tenants before they go through mediation
- Legal help most effective earlier legal services is involved

*Note: Because CELHP is being phased-in resources are not yet available in all courts*



# How can a lawyer help?

- Advise tenants and owner occupants about their rights
- Fill out court papers
- Respond to quick court deadlines
- Prepare for virtual court mediation
- Prepare for virtual hearings and trials
- Represent a litigant in negotiations and at a court event

# What legal help will be available for owner-occupants

- Owner occupant 2-3 family where eviction related to COVID and owner occupants housing stability is at risk
- 200% of poverty guidelines
- Legal help available statewide through Volunteer Lawyers Project

# VLP Outreach

- VLP reaching out to owner occupants who have filed cases through mail
- VLP reaching out to faith-based organizations
- VLP reaching out to homeowner organizations, including MassLandlords and Mass Affordable Housing Alliance
- VLP reaching out to municipal officials
- VLP reaching out to service providers

# Today EvictionLegalHelp.org launched

- CELHP help is available statewide for both low-income tenants and owner-occupants.
- You can find CELHP legal help by the zip code where you live by clicking <https://evictionlegalhelp.org/find-legal-help/>

# What you can do now

- Connect litigants to legal help
- CDC Moratorium – limited but can help people now for 3 weeks
- Access RAFT
- Continue to educate people for what is needed to stabilize people's housing now and through the pandemic and for long-term housing solutions for all